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Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725-LBR

**NOTICE OF HEARING ON
 OMNIBUS OBJECTION OF POST-
 EFFECTIVE DATE USA CAPITAL
 DIVERSIFIED TRUST DEED FUND,
 LLC, TO CLAIMS FILED BY JAMES
 W. SHAW, FIRST TRUST COMPANY
 OF ONAGA, CUSTODIAN FOR
 CHARLES CUNNINGHAM, SR., IRA,
 DOROTHEA K. OVERLEESE
 REVOCABLE TRUST, HALSETH
 FAMILY TRUST, KATRINE
 MIRZAIAN, ERNEST J. MOORE,
 DARLENE TURNER, DONALD AND
 BEVERLY SWEZEY 2001 TRUST,
 AND DAVID B. KRYNZEL**

Hearing Date: July 27, 2007
 Hearing Time: 9:30 a.m.

Courtroom: 1

1 **TO: THIS HONORABLE COURT, JAMES W. SHAW, FIRST TRUST**
 2 **COMPANY OF ONAGA, CUSTODIAN FOR CHARLES CUNNINGHAM, SR.,**
 3 **IRA, DOROTHEA K. OVERLEESE REVOCABLE TRUST, HALSETH FAMILY**
 4 **TRUST, KATRINE MIRZAIAN, ERNEST J. MOORE, DARLENE TURNER,**
DONALD AND BEVERLY SWEZEY 2001 TRUST, DAVID B. KRYNZEL,
UNITED STATES TRUSTEE, ALL PARTIES IN INTEREST

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 6 **NOTICE IS HEREBY GIVEN** that on June 7, 2007, Post-Effective Date USA
 7 Capital Diversified Trust Deed Fund, LLC (“Diversified”), by and through its counsel
 8 noted above, filed its Omnibus Objection of Post-Effective Date USA Capital Diversified
 9 Trust Deed Fund, LLC To Claims Filed by James W. Shaw; First Trust Company of
 10 Onaga, Custodian For Charles Cunningham, Sr., IRA; Dorothea K. Overleese Revocable
 11 Trust; Halseth Family Trust; Katrine Mirzaian; Ernest J. Moore; Darlene Turner; Swezey
 12 2001 Trust; And David B. Krynzel (the “Objection”). The Objection is based upon the
 13 grounds that the claims described on Exhibit 1, attached hereto and made a part hereof,
 14 are (i) claims filed after the November 13, 2006, for filing such claims, (ii) claims
 15 seeking recovery based upon claimants’ equity security interests in Diversified that have
 16 been erroneously filed as creditor claims against Diversified, or (iii) claims filed by
 17 claimants who have no connection to Diversified; and that, accordingly, Diversified has
 18 no liability on account of such claims. A copy of the Objection may be obtained at the
 19 bankruptcy court’s website at <http://www.nvb.uscourts.gov/> or by contacting Beckley
 20 Singleton, Chtd. at (702) 385-3373.

21 Any response to the Objection must be filed pursuant to Rule 3007 of the Local Rules of
 22 Bankruptcy Procedure:

23 (b) Responses to objection to claims. If an objection to a claim is
 24 opposed, a written response must be filed and served on the objecting
 25 party at least 5 business days before the scheduled hearing. A response is
 26 deemed sufficient if it states that written documentation in support of the
 27 proof of claim has already been provided to the objecting party and that
 28 the documentation will be provided at any evidentiary hearing or trial on
 the matter.

LR 3007(b) (emphasis in original).

1 Please carefully review the Omnibus Objection included with this Notice, particularly
2 Exhibit 1 referenced above concerning your claim(s).

3 **IF ANY CLAIMANT SHOULD DISAGREE WITH DIVERSIFIED'S**
4 **OBJECTION NOTED ABOVE, SUCH CLAIMANT MUST FILE A RESPONSE TO**
5 **THE OBJECTION AND SERVE IT UPON DIVERSIFIED'S COUNSEL NO LATER**
6 **THAN JULY 20, 2007.**

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
8 pleading with the court. You *must* also serve your written response on the person who sent you
9 this notice.

10 If you do not file a written response with the court, or if you do not serve your written
11 response on the person who sent you this notice, then:

- 12 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 13 • The court may *rule against you* without formally calling the matter at the
14 hearing.

15 **NOTICE IS FURTHER GIVEN** that the hearing on the said Objection will be held
16 before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd.
17 South, Third Floor, Bankruptcy Courtroom No. 1, at Las Vegas, Nevada on **JULY 27, 2007** at
18 the hour of **9:30 a.m.**

19 DATED this 7th day of June 2007.

20 **BECKLEY SINGLETON, CHTD.**

21 By: /s/ Anne M. Loraditch
22 Bob L. Olson (Nevada Bar No. 3783)
23 Anne M. Loraditch (Nevada Bar No. 8164)
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Las Vegas, Nevada 89101

25 *Attorneys for Post-Effective Date USA Capital*
26 *Diversified Trust Deed Fund, LLC*
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EXHIBIT 1**Proofs of Claim Subject to Objection**

Claim No. / Filing Date	Claimant	Claim Amount	Basis for Objection	Proposed Disposition
138 / Filed 12/6/06	James W. Shaw	\$26,432.00	Claim late-filed after the Bar Date. Claim based on equity interest in Diversified.	Disallow in its entirety
139 / Filed 12/6/06	First Trust Company of Onaga, Custodian for Charles Cunningham, Sr., IRA	\$72,070.98	Claim late-filed after the Bar Date. Claim based on equity interest in Diversified.	Disallow in its entirety
140 / Filed 10/24/06	Dorothea K. Overleese Revocable Trust	\$100,000.00	Claim based on equity interest in Diversified.	Disallow in its entirety
141 / Filed 1/7/07	Daniel R. Halseth & Sandra K. Halseth, TTEES of the Halseth Family Trust Totally Restated 4/21/00	\$Unknown	Claim late-filed after the Bar Date. Claimant is not a Diversified Member nor otherwise connected to Diversified. Claim appears to be based on investments made as a Direct Lender.	Disallow in its entirety
142 / Filed 1/9/07	Katrine Mirzaian	\$344,011.56	Claim late-filed after the Bar Date. Claimant is not a Diversified Member nor otherwise connected to Diversified. Claim appears to be based on investments made as a Direct Lender.	Disallow in its entirety
143 / Filed 1/10/07	Ernest J. Moore	\$48,047.32	Claim late-filed after the Bar Date. Claim based on equity interest in Diversified.	Disallow in its entirety
144 / Filed 1/9/07	Darlene Turner	\$24,023.66	Claim late-filed after the Bar Date. Claim based on equity interest in Diversified.	Disallow in its entirety

145 / Filed 1/09/07	Donald Swezey and Beverly W. Swezey 2001 Trust	\$48,465.59	Claim late-filed after the Bar Date. Claim based on equity interest in Diversified.	Disallow in its entirety
146 / Filed 12/20/06	David B. Krynzel	\$147,081.54	Claim late-filed after the Bar Date. Claim based on equity interest in Diversified.	Disallow in its entirety
147 / Filed 12/20/06	David B. Krynzel	\$147,081.54	Claim late-filed after the Bar Date. Claim based on equity interest in Diversified.	Disallow in its entirety